IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Crl.Rev.Pet.No. 628 of 2007

CRA.266/2003 of II ADDL. SESSIONS COURT, TRIVANDRUM
CC.176/2001 of JUDL. MAGISTRATE OF FIRST CLASS-IV (MOBILE), TRIVANDRUM

.....

REVN. PETITIONER: APPELLANT/ACCUSED

B.SATHEESH NAIR,
HOUSE NO.134, DHARSANA NAGAR, PEROORKADA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE
----

1. K.V.OOMMEN,
T.C.3/2761, F.C. NO.5, PALACE VIEW ROAD JUNCTION,
PATTOM, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR MR. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.628 of 2007

DATED THIS THE 12TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner stands convicted with respect to the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the Sessions Judge, to undergo imprisonment till the rising of the court and to pay a compensation of Rs.2 lakhs and in default to undergo simple imprisonment for six months as well as the cost of Rs.1,000/- and in default simple imprisonment for 15 days vide Section 359 Cr.P.C. Counsel for the revision petitioner has only sought for modification of the sentence, i.e.to reduce the amount of compensation ordered to be paid to Rs.1,50,000/- which is the cheque amount. I find that the trial court had directed the accused to pay compensation of Rs.1,50,000/- only which is the cheque amount. In the circumstances, the sentence is modified that the accused shall undergo simple imprisonment till the rising of the court and to pay a compensation of R.1,50,000/- as compensation to the complainant under Section 357(3) Cr.P.C.and in default to undergo simple imprisonment for six months. The amount of cost ordered and the default sentence in this regard is affirmed. The revision petitioner is granted four months time to pay the amount

of compensation. He shall appear before the Judicial First Class Magistrate-IV,(Mobile),Thiruvananthapuram on 12-6-2007 to receive the sentence. The Crl.R.P.is disposed of accordingly.

Sd/-

K.R.UDAYABHANU, JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE